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January 25, 2016

VIA ECF

Magistrate Judge Steven I. Locke
Alfonse M. D'Amato U.S. Courthouse
Eastern District of New York
100 Federal Plaza, Room 824
Central Islip, New York 11722-4449

Re: *Siancas, et al. v. Rallye Motors, LLC, et al.*
Case No. 14-CV-06151 (JS) (SIL)

Dear Magistrate Judge Locke:

We were recently retained as counsel for third party Ernie's Auto Detailing, Inc. ("Ernie's"), which is the subject of a subpoena served on it by Plaintiffs in the above Fair Labor Standards Act (FLSA) action. Prior to our retention, Ernie's agreed to have its principal, B. Ernesto Decena, appear for deposition tomorrow, January 26, 2016.

On Friday, January 22, 2016, we contacted counsel for Plaintiffs, indicating that we had just been retained, that we could not be available and ready for the deposition on Tuesday, and requesting that he contact us to reschedule. Counsel refused. We wrote to him again on Sunday, January 24, 2016, to reiterate that we could not conduct the review and discussions necessary to defend the deposition by Tuesday, asking that he reconsider and contact us to schedule a mutually convenient date, and noting that we would seek court intervention as necessary. We left a further voice message to that effect this morning. We just now received written confirmation that counsel will not agree to any adjournment.

Motion practice relating to the FLSA opt-in window currently is stayed pending a settlement conference before Your Honor. DKT 112; Minute Orders 12/22/2015 and 01/11/2016. There is no deadline or other duress of which we are aware which militates against this adjournment. We request that the Court issue an order 1) adjourning the deposition; and, 2)



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setting a teleconference to discuss this scheduling issue at the Court's convenience. We will continue to seek to confer on this scheduling issue in an effort to resolve it without further Court intervention, and notify the Court immediately if and when it is resolved.

Respectfully submitted,

JACKSON LEWIS P.C.

A handwritten signature in dark ink, appearing to read "Noel P. Tripp". The signature is stylized with a large, sweeping initial "N" and a long, horizontal stroke extending to the right.

Noel P. Tripp

NPT:dc

cc: All counsel of record (*via ECF*)

4852-3288-4269, v. 1